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REGULAR MEETING

January 7, 2009

7:00 PM

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. OPEN PUBLIC MEETING

4. APPROVAL OF CONSENT AGENDA

Minutes

[4.1](#) November 19, 2008 (Regular Meeting) (tabled from December 17, 2008)

[4.2](#) December 3, 2008 (Regular Meeting)

Resolutions

[4.3](#) **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACCEPT THE BID RECOMMENDATION FOR CONCRETE SIDEWALK/CURBING REPAIR AND INSTALLATION SERVICES. (tabled from December 17, 2008)

[4.4](#) **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA ACCEPTING A BID AND CONTRACT FROM BRAUGHTON CONSTRUCTION, INCORPORATED FOR ADDING A PREFABRICATED METAL BUILDING AT THE BERGERON RODEO GROUNDS AND APPROPRIATING OPEN SPACE BOND FUNDS. (not budgeted - \$275,730)

[4.5](#) **BOND ISSUANCE** - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DAVIE AUTHORIZING THE ISSUANCE BY THE TOWN OF DAVIE COMMUNITY REDEVELOPMENT AGENCY OF COMMUNITY REDEVELOPMENT BONDS NOT EXCEEDING \$20,000,000, PROVIDING FOR A LOAN AGREEMENT SETTING FORTH THE DETAILS OF SAID BONDS; AUTHORIZING THE PROPER OFFICERS TO EXECUTE DOCUMENTS; AUTHORIZING THE VALIDATION OF THE BONDS; AND PROVIDING FOR AN EFFECTIVE DATE.

[4.6](#) **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE FLORIDA, AUTHORIZING THE MAYOR TO AMEND THE AGREEMENT BETWEEN THE TOWN OF DAVIE AND SUNSHINE AFTER SCHOOL CHILD CARE INC. FOR OPERATION OF SUMMER CAMP PROGRAMS AS DETAILED IN ATTACHMENT A. (\$15,000 revenue)

[4.7](#) **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE FLORIDA GAY RODEO ASSOCIATION AND THE TOWN OF DAVIE TO LEASE THE BERGERON RODEO GROUNDS FOR A RODEO. (\$3,000 arena rental)

[4.8](#) **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN JOANA BUENO PRODUCTIONS, LLC AND THE TOWN OF DAVIE TO HOLD A BRAZILIAN RODEO AND CONCERT. (\$1,500 arena rental)

[4.9](#) **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA RATIFYING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE DAVIE PROFESSIONAL FIREFIGHTERS, IAFF, LOCAL 2315; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

[4.10](#) **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO RENEW AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE BROWARD COUNTY HOUSING AUTHORITY WAIVING PAYMENT IN LIEU OF TAXES (PILOT) IN EXCHANGE FOR SERVICES AND DONATIONS; AND PROVIDING AN EFFECTIVE DATE.



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4.11 AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND BROWARD COUNTY MINORITY BUILDERS COALITION, INC. FOR THE EXPENDITURE OF 2005 DISASTER RECOVERY INITIATIVES HOME REPAIR PROGRAM FUNDS IN THE TOTAL AMOUNT OF \$480,000 TO PROVIDE FOR THE REPAIR OF SINGLE FAMILY OWNER-OCCUPIED DWELLING UNITS DAMAGED DURING THE 2005 STORM SEASON WHOSE INCOMES ARE AT BELOW 80% OF AMI. (not to exceed \$57,600)

4.12 DELEGATION REQUEST - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE BOUNDARY PLAT KNOWN AS "DARGEL PLAT," AND PROVIDING AN EFFECTIVE DATE. (DG 12-2-07, Flagler Construction Equipment Davie, 5210 Reese Road)

4.13 DELEGATION REQUEST - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE "NEW LIFE ASSEMBLY CHURCH," AND PROVIDING AN EFFECTIVE DATE. (DG 11-1-08, New Life Assembly Church, 5850 SW 82 Avenue)

4.14 PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "DANIELLE PLAT" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 6-1-08, U-Pull-It, 4601 SW 36 Street) *Planning and Zoning Board approved subject to staff's comments (see related items 4.16 and 6.7)*

Quasi-Judicial Consent Agenda

4.15 SPM 12-4-07, Flagler Construction Equipment Davie, 5210 Reese Road (M-3, County) *Site Plan Committee recommended approval subject to the following: 1) to remove the note on the site plan SP-1, which states a "roof overhang" on the north side of the building; 2) to correct the site lighting calculations prior to the Council meeting; and 3) that the applicant provide color samples, actual chips and materials to the Committee members one week prior to the Council meeting*

4.16 SPM 6-1-08, U-Pull-It, 4601 SW 36 Street (M-4, County) *Site Plan Committee recommended approval subject to 1) removing all the tree stakes along SW 47th Avenue in a timely manner; 2) if the four slated/relocated trees are not of quality, they are to be replaced; and 3) change the paint colors to be reflected in the plans that go to Council (see related items 4.14 and 6.7)*

5. DISCUSSION OF CONSENT AGENDA ITEMS

6. PUBLIC HEARING

Resolution

6.1 FACILITIES PLAN - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE WATER AND WASTEWATER FACILITIES PLAN

Ordinances - Second and Final Reading

6.2 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING CHAPTER 2, ARTICLE VIII, SECTIONS 2-315, 2-316, AND 2-323 OF THE TOWN OF DAVIE'S PURCHASING PROCEDURES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. **{Approved on First Reading December 17, 2008 subject to the procurement being raised from \$1,000 to \$2,500 and that the Mayor's signature requirements, along with the other procurement procedures, remains at \$5,000. In a voice vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - no; Councilmember Crowley - no; Councilmember Hubert - yes; Councilmember Starkey - yes.}**

6.3 CODE AMENDMENT - AN ORDINANCE OF THE DAVIE TOWN COUNCIL AMENDING CHAPTER 6 OF THE CODE OF THE TOWN OF DAVIE ENTITLED "CODE ENFORCEMENT SPECIAL MASTER," BY CREATING A NEW SECTION 6-9.2, ENTITLED "ABANDONED REAL PROPERTY REGISTRATION, ENFORCEMENT AND ABATEMENT PROCEDURES." **{Approved on First Reading December 17, 2008. All voted in favor.}**

6.4 BUDGET AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE ESTIMATED REVENUES AND APPROPRIATIONS FOR FISCAL YEAR 2009. **{Approved on First Reading December 17, 2008 considering 1, 2, and 3 as written in the resolution and amending the amount being taken from the Community Endowment Fund to \$150,000. All voted in favor.}**

Ordinances - First Reading (Second and Final Reading to be held January 21, 2009)

6.5 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, IN ORDER TO PROVIDE NIGHT SKY REGULATIONS BY AMENDING ARTICLE VIII, DIVISION 2, SECTION 12-260, LIGHTING STANDARDS; SECTION 12-261, STREET LIGHTING; ADDING ARTICLE VIII, DIVISION 2, SECTION 12-262, NIGHT SKY REGULATIONS; AMENDING ARTICLE III, DIVISION 1, SECTION

12-32.524, BUILDING DESIGN GUIDELINES; SECTION 12-32.525, ADDITIONAL DESIGN GUIDELINES; ARTICLE XIV, SECTION 12-503, DEFINITIONS; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

6.6 CODE AMENDMENT - A ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 16, ARTICLE III OF THE TOWN OF DAVIE CODE OF ORDINANCES, ENTITLED "SEX OFFENDERS" BY AMENDING SECTION 16-31, ENTITLED "SEX OFFENDER RESIDENCY PROHIBITION" AND BY CREATING SECTION 16-32, ENTITLED "PROPERTY OWNERS PROHIBITED FROM RENTING REAL PROPERTY TO SEXUAL OFFENDERS AND SEXUAL PREDATORS; PENALTIES" TO CLARIFY THE RESIDENCY PROHIBITIONS APPLICABLE TO CONVICTED SEXUAL OFFENDERS AND SEXUAL PREDATORS INVOLVING MINOR VICTIMS; PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS; CONTAINING SEVERABILITY AND CONFLICT CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinances - First Reading/Quasi-Judicial Items (Second and Final Reading to be held January 21, 2009)

6.7 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 8-4-05, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-4 (HACIENDA VILLAGE), LIMITED HEAVY INDUSTRIAL DISTRICT, M-3 (HACIENDA VILLAGE), GENERAL INDUSTRIAL DISTRICT, AND M-4 (COUNTY), LIMITED HEAVY INDUSTRIAL DISTRICT TO M-3, PLANNED INDUSTRIAL PARK DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 8-4-05, U-Pull-It, 4601 SW 36 Street) *Planning and Zoning Board recommended approval (see related items 4.14 and 4.16)*

6.8 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 5-1-08, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-1, ESTATE DWELLING DISTRICT, TO AG, AGRICULTURAL DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-1-08, Demayo, 5880 SW 70 Avenue) *Planning and Zoning Board recommended denial*

Quasi Judicial Items

6.9 VARIANCE - V 9-2-08, Keller, 12446 SW 9 Place (R-5) (to reduce a 10 foot side yard setback to 5 feet) (tabled from December 17, 2008) *Planning and Zoning Board recommended approval*

6.10 SPECIAL PERMIT - SE 6-1-08, Davie Travel Center, 4751 SW 30 Street (TS) (permit to allow the following: 1) temporary storage of vehicles to include trucks, trailers, truck tractors, R.V.'s, buses, heavy equipment on trailers, automobiles (no wrecked/junked), boats on trailers, and one fenced area for storage of roofing and road building materials (pavers, tiles, bricks, sand, rock, and clean fill); 2) fuel pumping stations; 3) truck/bus washing facility; 4) service station with repair bays; 5) convenience store with food concessions and retail sales of automotive needs; 6) warehouse/storage; 6) flex space with service and office uses; and 7) outside storage area) *Planning and Zoning Board recommended approval for twenty (20) years and that construction shall start within one year or the special permit would expire*

Item to be tabled

6.11 PETITIONER REQUEST TABLING TO JANUARY 21, 2009

REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 2-1-06, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT, TO R-1, ESTATE DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 2-1-06, Living Waters Estates, 14801 SW 23 Street) *Planning and Zoning Board recommended approval with the sidewalk to be placed in the manner as described by the applicant (on the properties and on the easement) and subject to staff's recommendations*

7. APPOINTMENTS

7.1 Mayor Truex

7.1.1 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2010) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

7.2 Vice-Mayor Luis

7.2.1 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2010) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

7.2.2 Open Space Advisory Committee Agency (one exclusive - term expires April 2010)

7.3 Councilmember Hubert

7.3.1 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2010) (members should have a concern with or an interest in the park facilities and recreational needs of the

citizens of the Town)

7.3.2 United Ranches Preservation Board (one-exclusive appointment - member shall reside in the United Ranches area; term expires December 2010)

7.4 Councilmember Starkey

7.4.1 Open Space Advisory Committee Agency (one exclusive appointment- term expires April 2010)

7.4.2 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2010) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

7.5 Unsafe Structures Board (one non-exclusive appointment; term expires April 2009) (appointment shall be a plumbing contractor - member shall be a permanent resident or have their principal place of business within the Town's jurisdiction)

7.6 Broward Metropolitan Planning Organization (term expires March 17, 2009)

8. OLD BUSINESS

9. NEW BUSINESS

9.1 Airport Expansion Record of Decision

10. SCHEDULE OF NEXT MEETING

11. MAYOR/COUNCILMEMBER'S COMMENTS

12. TOWN ADMINISTRATOR'S COMMENTS

13. TOWN ATTORNEY'S COMMENTS

14. ADJOURNMENT

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THIS BOARD OR COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSES, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS MADE.

Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk at 954-797-1023 at least five business days prior to the meeting to request such accommodations. If you are hearing or speech impaired, please contact the Florida Relay Service by using the following numbers: 1-800-955-8700 (voice) or 1-800-955-8771 (TDD).

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